

IN COURT FILED
SEP 7 3 51 UNITED STATES DISTRICT COURT
FOR THE
U.S. DISTRICT DISTRICT OF MASSACHUSETTS
DISTRICT OF MASSACHUSETTS

MICHAEL J. FLYNN)	C.A. NO.
Plaintiff)	
VS.)	<u>COMPLAINT</u>
LAFAYETTE RONALD HUBBARD)	
a/k/a L. RON HUBBARD)	<u>PLAINTIFF DEMANDS</u>
Defendant,)	<u>A TRIAL BY JURY</u>

I. INTRODUCTION

80-2642-0

This suit seeks damages for acts perpetrated against plaintiff, an attorney, by defendant and various of his individual and organizational agents and employees pursuant to a written conspiracy to "destroy" the plaintiff. It arises out of plaintiff's representation of clients aggrieved by defendant and the Church of Scientology.

II. PARTIES

1. Plaintiff is Michael J. Flynn, an attorney admitted to practice in Massachusetts with offices at 12 Union Wharf, Boston, Massachusetts, and with a domicile in Boxford, Massachusetts.

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9-7-85

2. Defendant is Lafayette Ronald Hubbard a/k/a L. Ron Hubbard (hereafter "defendant" or "Hubbard") with last known residence and domicile in Hemet, California. Defendant has stated that he desires his present whereabouts to be unknown. They are unknown to plaintiff, but he can be notified through
- a) his attorney, Sherman Lenske of Lenske, Lenske, Heller & Magasin, Woodland West Building, Suite #315, 6400 Canoga Avenue, Woodland Hills, California;
 - b) Lyman Spurlock, his literary and business agent through Author Services, Inc. with principal place of business at 6464 Sunset Boulevard, Los Angeles, California;
 - c) David Miscavige, his trusted associate and good friend, through Author Services, Inc., and
 - d) the Church of Scientology of California, Inc. with principal place of business at 5930 Franklin Avenue, Los Angeles, California.

III. JURISDICTION AND VENUE

3. Jurisdiction of this court exists pursuant to

- a. 28 U.S.C. Sec. 1332, diversity of citizenship, the matter in controversy exceeding \$10,000 exclusive of interest and costs and the parties being citizens of different states and
- b. 18 U.S.C. Secs. 1961-1968, the Racketeer Influenced and Corrupt Organizations Act ("RICO").

The claims as hereinafter set forth have arisen in Massachusetts.

- 4. At all times material hereto, Hubbard has done business on a daily basis in Massachusetts, Nevada, California and Florida through the "Guardian's Office", as described infra and also directly through various entities known as the Church of Scientology of California, Inc. ("CSC"), the Church of Scientology of Boston, Inc. ("CSB"), Flag Services Organization, Inc. (FSO) Religious Technology Center ("RTC"), Church of Scientology International ("CSI"), Author Services, Inc. ("ASI"), as well as various other organizations (collectively "Scientology organizations") and individuals. He has done such business as follows:

- a. Hubbard sells his publications, written, copyrighted and published by him, including, inter alia, "Dianetics - The Modern Science of Mental Health" and "Battlefield Earth" in each of the four (4) states set forth above and he directly receives income from the sale of said publications in said states.
- b. Hubbard receives 10% of all gross income of the following Scientology organizations in the following states:
- CSB - Massachusetts
CSC - Florida, California and Nevada
FSO - Florida.
- c. Hubbard personally owns and controls the copyrights of all books published and sold by him in the four (4) states. Said books and publications are in excess of fifty (50) and are sold on a daily basis by Hubbard in the four (4) states, from which sales Hubbard receives an annual gross income in excess of one million dollars per year.

- d. Hubbard has assigned to RTC all Scientology trademarks which are used to do business and produce income in excess of at least one million dollars per annum, in each of these four (4) states.
- e. Hubbard communicates via telex in each of these four (4) states, which network is used on a daily basis by the Guardian's office and by the "Hubbard Communications Office" to receive orders from Hubbard and to provide information to him.

IV. STATEMENT OF THE CLAIM

A. Principal, Agency Relationship of Hubbard with various organizations and individuals

5. Defendant ~~is the founder, controller, principal and~~ absolute authority over the Scientology organizations and individuals. The Scientology organizations, as well as various individuals, acting as agents of defendant within the scope of the authority granted to them by and upon his express orders, engaged in the conspiracy to perpetrate the torts alleged herein.

6. Hubbard ordered that the directors and officers of each of the Scientology organizations enumerated above sign written resignations in advance of their appointment as Directors and Officers and this was done. Hubbard held these "resignations" and over a period of years whenever any of said Directors or Officers contested his orders or authority, he removed them from their capacity in said corporations, and appointed new individuals who complied with his orders and policies.
7. Hubbard was a required signatory on every bank account over \$5,000 of each said Scientology corporation.
8. Hubbard established, supervised and controlled an organization called the "Guardian's Office" ("G.O."), which he placed in each of the Scientology corporations for purposes of enforcing his express daily orders. He ~~routinely called these orders the "daily battle plan."~~

At all times material hereto, the G.O. employed individuals under Hubbard's direction to operate in California, Las Vegas, Nevada, Boston, Massachusetts, Clearwater, Florida, and diverse other places. Plaintiff has possession of the written policy of Hubbard establishing and directing the G.O., together

with the "training manuals" of the G.O., written by Hubbard, all of which were used to commit the torts alleged herein.

9. At all times material hereto, Hubbard has controlled said Scientology organizations and issued express daily orders to them through several individuals. These agents include his wife, Mary Sue Hubbard, Jane Kember (the head of the G.O.), Arthur Maren (an employee of the G.O.), David Miscavige (the current liaison of express orders between Hubbard and the G.O. and all Scientology organizations), Norman Starkey (an employee of the G.O.), Joseph Lisa (an employee of the G.O.), Jim Mulligan (an employee of the G.O.), and Lyman Spurlock (in charge of ASI and all financial affairs of Hubbard and the Scientology organizations). Plaintiff is in possession of a 286 page "Stipulation of Evidence" filed in United States v. Mary Sue Hubbard Crim. #78-401 (D.C.D.C. 1978), and executed by Mary Sue Hubbard and eight (8) of the highest officials of the G.O., all as agents of Hubbard, in which said individuals stipulate that Hubbard is the "overall supervisor" of the G.O., Said "Stipulation of Evidence" is a detailed stipulation of the "operation" of the G.O. to "destroy" some of the "enemies" of Hubbard, one of which was plaintiff.

10. At all times material hereto Hubbard used the Scientology organizations and the above named individuals and others to implement and enforce both his policies and his daily orders.
11. Some of these policies were written and copyrighted by Hubbard and his agents and used by his agents as overall policy directives to carry out his orders. Some of the written policies that were specifically implemented against the plaintiff as hereinafter described are set forth below:
 - a. "Enemy: Fair Game - May be deprived of property or injured by any means by any Scientologist without any discipline of the Scientologist. May be tricked, sued, or lied to or destroyed."
(hereinafter "Fair Game Policy")
 - b. "~~Don't ever defend. Always attack.~~ Find or manufacture enough threat against them to sue for peace. Originate a black PR campaign to destroy the person's repute and to discredit them so thoroughly they will be ostracized."
 - c. "The purpose of the suit is to harass and discourage rather than to win."

"The law can be used very easily to harass, and enough harassment on somebody who is simply on the thin edge anyway, well knowing that he is not authorized, will generally be sufficient to cause his professional decease. If possible, of course, ruin him utterly."

- d. "This is correct procedure:
 - 1. Spot who is attacking us.
 - 2. Start Investigating them promptly for FELONIES or worse using our own professionals, not outside agencies.
 - 3. Double curve our reply by saying we welcome an investigation of them.
 - 4. Start feeding lurid, blood, sex crime, actual evidence on the attackers to the press. Don't ever submit to an investigation of us. Make it rough, rough on attackers all the way."
- e. "The following is a list of the successful . . . actions used by [our] intelligence [bureau]".
 - Using . . . [sex] on someone high in the government to seduce them over to our side. . .
 - Infiltrating an enemy group with an end to getting documents. . .

- Covert third partying with forged or phony signatures.
- Anonymous third partying. Particularly the Internal Revenue Service. . .
- Direct theft of documents. . .
- Impersonating a reporter over the phone to get information. . ."

f. "The following are possibilities for collecting data:

1. Infiltration
2. Bribery
3. Buying information
4. Robbery
5. Blackmail."

V. GENERAL STATEMENT OF CLAIM

12. Pursuant to Hubbard's aforestated policies and his specific orders he and his agents acted to implement and in fact did implement the conspiracy to commit the acts as set forth herein.

13. Pursuant to the Fair Game Policy, set forth in paragraph #11(a), on information and belief, Hubbard and his agents entered into a written conspiratorial scheme, code named "Operation Juggernaut." "Operation Juggernaut" was designed to "lie to, cheat, sue and destroy" the plaintiff by infiltrating plaintiff's law offices; stealing plaintiff's files, generally harassing plaintiff; "separating" plaintiff from his clients; defaming plaintiff; bringing eleven groundless legal actions against plaintiff and his colleagues and employees; bringing nine groundless bar complaints to get plaintiff disbarred; placing water in the fuel tanks of plaintiff's airplane to kill him; stealing plaintiff's telephone codes and charging calls to his code; attempting to "frame" plaintiff by stealing the telephone codes of a California company unknown to plaintiff then calling plaintiff's clients and charging it to the California company; harassing plaintiff's clients and stealing their files from plaintiff's office; calling in a bomb threat to plaintiff; threatening to poison plaintiff; kidnapping plaintiff's clients; issuing false and defamatory press releases and having them distributed on the streets of Boston, Massachusetts, Clearwater, Florida, and Los Angeles, California; writing false and defamatory articles and distributing them at plaintiff's law school; providing

false financial information to the IRS to initiate an investigation; stealing plaintiff's telephone toll call records from the telephone company; conducting illegal tape-recording of plaintiff's calls; illegally obtaining plaintiff's bank account information; trespassing onto plaintiff's private property; interfering with plaintiff's relationships with his clients; placing dirt in plaintiff's automobile fuel tank; engaging in a wholesale pattern of abusive and harassing conduct.

Details of these activities are set forth below.

14. In July, 1979, plaintiff in his capacity as an attorney, undertook the representation of one La Venda Van Schaick for the purpose of obtaining a refund of monies paid by her to CSC in the amount of approximately \$12,800. Plaintiff sent a letter to CSC for the purpose of obtaining said funds in order to avoid the necessity of instituting a lawsuit. CSC refused to pay a refund.

15. Within several days after sending the aforementioned letter, Hubbard, who was then residing in Hemet, California, ordered an immediate infiltration of plaintiff's law office by a G.O. agent named Chuck Malone who sought employment from plaintiff posing as a Private Investigator. Malone's purpose was to steal records and information from plaintiff's offices.

16. During the period between July to September, 1979, when the correspondence concerning the Van Schaick refund was being exchanged, the plaintiff began to receive phone calls from clients, relatives and friends stating that they had received strange telephone calls from various individuals discrediting plaintiff and requesting information about plaintiff. One of the plaintiff's clients, Phyliss T. Sequeira, told plaintiff that she had received a call requesting her to report plaintiff to the bar because he had not turned over all of the funds he had received in the trial of a case. In fact, the client was present at the trial, received a trial judgment upon a jury verdict and was paid in full. Plaintiff is informed that the foregoing activities were conducted by Joseph Lisa, Gary Lawrence, James Mulligan, Kevin Tighe, Kathy Brown, Warren Friske and others all acting as agents of the G.O. under the authority and direction of Hubbard.

After receiving a letter denying the request for a refund, plaintiff received a letter dated September 11, 1979 from CSB. The September 11th letter stated that the Church would be willing to pay approximately 50% of the funds paid by Van Schaick and at the same time suggested that Van Schaick should not use the Church for

the balance of the funds because she had an extensive drug history, had "three abortions", had "attempted suicide", had severe mental problems, and had signed an agreement never to sue the Church of Scientology or the Hubbards.

17. Shortly after the receipt of the foregoing letter, plaintiff received several anonymous telephone calls suggesting that representation of Van Schaick was a "dangerous matter," that no one "messes with the Church," that if the unersigned had any doubts about this issue, to contact other people who had sought to "interfere" with Scientology. These calls were made by individuals acting on orders from Hubbard.
18. During this time plaintiff observed individuals following him, defamatory calls were made to various clients of plaintiff shortly after he had called said clients on the phone, and personnel at the small airport where plaintiff maintained his airplane, observed unidentified individuals viewing the plane and seeking information about it. The individuals performing these acts were acting on orders from Hubbard.

19. On or about October 19, 1979, plaintiff was flying said airplane to South Bend, Indiana, when the engine began to malfunction at approximately 8,000 feet in altitude, lost power entirely for a period of time, and plaintiff was forced to land at an airport in proximity to where the malfunction occurred. The plaintiff subsequently discovered that large amounts of water were present in his fuel tank, although prior to take-off the undersigned had engaged in a pre-flight examination of said fuel tanks, and no water was present. The presence of the water caused the malfunction of the engine and the cessation of power. Plaintiff believes that water balloons were placed in the tanks of the airplane by Joseph Lisa and James Mulligan, agents of the G.O., on orders of Hubbard.

20. For the period October, 1979 and the ensuing several months, plaintiff's client, Van Schaick, has claimed ~~numerous~~ numerous incidents of personal harassment, including the surveillance of her home and her child, being run off the road in her car, numerous telephone calls to her neighbors, suggesting that she was an unfit mother, calls to her employer resulting in a loss of her job as a waitress and attempts to separate her from her husband. In November, 1979, Hubbard sent Gary Klingler,

a G.O. agent from Los Angeles, to convince Van Schaick that the "harassive things" being done to her were done by plaintiff.

21. In November, 1979, nine (9) of the highest officials in the G.O. were convicted of a variety of crimes, and approximately 30,000 documents seized by the F.B.I from ~~CSC~~ were released to the general public. These documents, in part, demonstrate that Hubbard, the G.O., the Scientology organizations and the above named individuals were responsible for the inexplicable and harassive incidents that had occurred in the prior several months.
22. On December 14, 1979, after approximately six (6) months of research and investigation at a cost in the excess of \$20,000 to the plaintiff, plaintiff brought a lawsuit against CSC on behalf of La Venda Van Schaick.
23. On or about December 27, 1979, two weeks after the commencement of the Van Schaick action, Hubbard, through the G.O., sent an individual named Bill Broderick, to pose as a prospective client in order to gain information about plaintiff's office and his files on Scientology.

At the same time defendant, intensified his harassment of individuals associated with plaintiff and attempted to disrupt non-Scientology cases the plaintiff was involved in and generally initiated a campaign of unrelenting personal and legal harassment, as is described in the remaining paragraphs herein:

24. On January 3, 1980, approximately three weeks after the commencement of the Van Schaick case, without filing a counterclaim in said action, and without filing a Motion to Dismiss within the time allowed by the rules, the G.O. under the direct orders of Hubbard, through attorney Steven Burris, filed Church of Scientology of Nevada, Inc. v. Thomas Hoffman and others, Civil # KV-80-10-HEL (Nevada Fed. District Court, January 3, 1980). Plaintiffs were the said Van Schaick, Kevin Flynn, brother and employee of plaintiff, Thomas G. Hoffman, Esquire, a colleague of plaintiff working with plaintiff in the same suite of offices and Edward Walters, a client of plaintiff. That suit alleged a conspiracy by said individuals to deprive Scientology of its First Amendment rights. The suit was dismissed by the Federal Court within 120 days.

25. At the same time as the filing of said action, Hubbard, through the G.O., filed in succession, four (4) separate Bar complaints against plaintiff alleging, inter alia, conspiracy to violate Scientology's First Amendment rights and the unlicensed practice of law by Kevin Flynn. The first three complaints were filed on January 15, 1980, February 7, 1980 and April 3, 1980, all of which were dismissed on April 10, 1980 by the Massachusetts Board of Bar Overseers. On November 19, 1980, the G.O. filed yet another complaint which was dismissed on May 4, 1980. The purpose of filing said Bar complaints was to harass plaintiff, and remove him from his "position of power" as a lawyer. They were filed without probable cause.
26. On or about May, 1980, after the dismissal of Hoffman, supra in Nevada Federal District Court, Hubbard through the G.O., and attorney Burris, acting as an agent of the G.O., then commenced an action against the ~~said Van~~ Van Schaick, Kevin Flynn, Edward Walters, and other clients of the plaintiff in the state court in Nevada, which was nearly identical to the federal action. As to Van Schaick and Kevin Flynn, this suit was also dismissed. Said suit was brought on the basis of a false affidavit procured by the G.O. on behalf of Hubbard.

27. Defendant through his agents in March, 1980, filed Church of Scientology of Boston, Inc. v. Michael Flynn et al., Civil #40906 in the Massachusetts Suffolk Superior Court. The defendants were the plaintiff herein and four of his clients. The complaint alleged that the clients had stolen materials from CSB and turned them over to plaintiff. Said suit has been used to mislead various courts into the belief that plaintiff stipulated to the placement of the files in court.
28. In, September, 1980, Hubbard, through the G.O., filed a suit against the plaintiff, Church of Scientology of Nevada, Inc. v. Michael Flynn Civil # 202573 (Nevada Circuit Court), alleging essentially that the plaintiff was engaged in a conspiracy against Scientology and abusing the judicial process. Scientology counsel attempted to procure a false affidavit from a G.O. agent support the case. The Nevada state court granted plaintiff's Motion for Summary Judgment in that action. The suit was brought for purposes of harassment. It was the fourth (4th) suit brought against plaintiff or his office and the third (3rd) suit dismissed as of November, 1980.

29. Between January and May, 1980, plaintiff was subjected to hundreds of instances of personal harassment, which plaintiff is informed, based upon affidavits of Warren Friske, Carol Garrity, Gerald Armstrong, and other informants, to have been conducted by the G.O. under the direct authority and control of Hubbard. These included, inter alia, contacting the plaintiff's insurance agent, Philip Chesley, and informing the agent that plaintiff had murdered the husband of one of his clients; making a bomb threat to the plaintiff's building, resulting in its evacuation; throwing rocks at his building; sending a post card threatening to poison the plaintiff; harassing phone calls at all hours of the day and night at plaintiff's home; making obscene telephone calls to neighbors and suggesting in said calls that plaintiff was making them; having process servers arriving at plaintiff's home at all hours terrifying plaintiff's wife and children, and placing dirt in the fuel tank of plaintiff's car.

30. Between approximately August , 1979 and up to and including at least September, 1981, the G.O., pursuant to policies and orders of Hubbard, and acting as his agent stole documents directly from the plaintiff's office files and from a trash dumpster in plaintiff's private office condominium compound. Some of the G.O. agents involved in the theft and use of said stolen

materials were Kevin Tighe, Chuck Malone, Gary Lawrence, James Mulligan, Joseph Lisa, Sylvana Garritano, Warren Friske, David Aden, Robert Johnson and others.

31. These documents number at least 20,000 and include but are not limited to the following:

a. Attorney/Client communication:

1. typed and handwritten drafts of letters to and from clients;
2. telephone message slips containing names, addresses and telephone numbers of clients;
3. affidavits and statements from clients;
4. draft court pleadings such as interrogatories, etc., sent to and received from client; and
5. personal financial information of clients.

b. Work Product:

1. notes, memoranda, and internal office product;
2. draft court pleadings;
3. draft proposals, etc.; and
4. memoranda re: contracts with other counsel, investigative and government agencies;

c. Miscellaneous:

1. contracts;
2. invoices, bills, checks, etc.;
3. correspondence and memoranda;
4. personal financial information; and
5. typewriter ribbons.

32. Hubbard and the G.O., as his agents, used the stolen documents and information to separate plaintiff from his clients, disrupt plaintiff's law practice, destroy plaintiff's reputation and business, interfere with plaintiff's causes and, generally perpetrate all the tortious schemes set forth herein. A few examples are as follows:

a. Contacting opposing parties, opposing counsel, and the insurers of opposing parties in the cases of Leff v. NEMCO, Ham v. Bard Parker, Marides v. Anthony's Pier Four, French v. Fidelity Union Life Insurance Co., and many others cases in which plaintiff represented parties, for the purpose of preventing case settlements, blocking production of evidence, revealing plaintiff's strategy and evidentiary posture, and generally interfering with his ability to represent his client.

- b. Contacting Scientology-related clients of plaintiff for the purpose of intimidating and threatening them and preventing them from retaining plaintiff.
- c. Calling plaintiff's clients while posing as "reporters", "insurance investigators", "authors", etc. to intimidate or threaten or annoy the client, or to seek to have the client fire the plaintiff by informing the client of confidential details from his file, or that plaintiff was about to be "disbarred", was under investigation by the Bar, had cheated them out of money, was being investigated by the I.R.S., and was engaged in unethical practices, etc. For example, one client, Andrea Wagner, was dying of mesothelioma and required rest without disturbances. Hubbard's agents stole her telephone number and correspondence from plaintiff's files and, knowing these facts, proceeded to make regular nuisance calls to her, linking them to plaintiff. Another client, Michael Smith, received a telephone call from an agent of defendant. The agent told Smith details of the terms of a contingent fee agreement between Smith and plaintiff, stolen from plaintiff's files. This was done to and in fact did cause Smith to question the integrity and

confidence of his dealing with plaintiff.

This occurred on literally hundreds of occasions during the 4 years material to this Complaint.

- d. Providing plaintiff's financial information, falsified, to the I.R.S. in order to instigate an investigation.
- e. Preparing daily reports from the documents and information stolen from plaintiffs and providing such information and reports together with directions and instructions to Harvey Silverglate an attorney representing the Church of Scientology of California, Inc. in Van Schaick and other attorneys, for the specific purpose of interfering with plaintiff's cases and clients.
- f. Intimidating and harassing parties and witnesses in the following actions brought by plaintiff on behalf of the named plaintiffs therein.
 - 1. Paulette Cooper v. Church of Scientology of California, Inc., Civ. No. 81-681- MC (D. Mass, 1981);
 - 2. Tonja Burden v. Church of Scientology of California, Inc., U.S. Dist. Ct. Civ. No. 80-401 Civ. Tk. (M.D.Fla., 1980);

3. La Venda Van Schaick v. Church of Scientology of California, Inc., Civ. No. 79-2491-G (D. Mass., 1979);
4. Church of Scientology of Boston, Inc., et al v. Michael J. Flynn, et al., Civ. No. 40906 (Suf. Sup. Ct., Mass., 1980);
5. Janet Troy v. Church of Scientology of Boston, et al., Civ. No. 41073 (Suf. Sup. Ct., Mass., 1980);
6. Kim L. Vashel v. Church of Scientology of Boston, et al., Civ. No. 47237 (Suf. Sup. Ct., Mass., 1981);
7. Mark D. Barron v. Church of Scientology of Boston, Inc., Civ. No. 51110 (Suf. Sup. Ct., Mass., 1981);
8. Jose Baptista v. Church of Scientology Mission of Cambridge, Inc., Civ. No. 81-1194 (Mid. Sup. Ct., Mass., 1981);
9. Marjorie J. Hansen v. Church of Scientology of Boston, et al., Civ. No. 41074 (Suf. Sup. Ct., Mass., 1980);
10. Lawrence Stifler v. Church of Scientology of Boston, et al., Civ. No. 44706 (Suf. Sup. Ct., Mass., 1980);
11. Michael W. Smith v. Church of Scientology of Boston, Inc., et al., Civ. No. 47236 (Suf. Sup. Ct., Mass., 1981).

33. On or about April 25, 1980, together with co-counsel, plaintiff filed suit on behalf of an ex-Scientologist, Tonja Burden, in the case Burden v. Church of Scientology of California, Inc., Civ. #80-401 Civ. Tk, U.S. Dist. Ct. (M.D. Fla.), seeking damages for fraud, kidnapping, and other actions. In response defendant, through his agents, proceeded to literally swamp the court docket in bad faith with Motions, pleadings and discovery, the great bulk of which motions have been denied, resulting in a massive amount of paper work that stands approximately two (2) feet high to date.
34. Between May, 1980 and December, 1980, it is estimated that Hubbard, through the G.O., attempted to take depositions of plaintiff, his employees and colleagues on at least thirty (30) separate occasions and have actually taken plaintiff's deposition on six (6) separate occasions to date. These depositions were noticed and conducted to harass plaintiff inhibit his ability to practice law unlawfully discourage him from suing Scientology and abuse the judicial system.
35. In January, 1981, after living through a year and a half of the harassment and conduct previously described, plaintiff went to Los Angeles, California, together with his colleagues, for the purpose of discussing settlement

of the litigation with Jay Roth, an attorney hired by Hubbard through the G.O. At the time of the preparation for said settlement negotiations, plaintiff's office prepared an extensive analysis of approximately 50 cases that it was considering filing on behalf of former members, which analysis related to the costs of such litigation, for both sides, the factual issues involved in the various cases and peripheral issues such as probate matters and media problems. That analysis was prepared specifically for said settlement negotiations. Plaintiff's agents stole this analysis from plaintiff's offices and used it to file an additional Bar complaint and two (2) suits against plaintiff in the Los Angeles Federal District Court. These suits, discussed infra, were also dismissed.

36. After settlement negotiations failed, the plaintiff and his colleagues, after spending several weeks in Los Angeles, returned to Boston and prepared to conduct a conference in May, 1981 for the purpose of meeting with several lawyers in connection with the proposed commencement of some of the fifty (50) cases included in the settlement analysis. Portions of the settlement analysis were included in a packet of information given to the lawyers who attended the May conference. Those documents were also subsequently stolen by Hubbard, through the G.O., from plaintiff's office.

37. At the conference, attended by approximately eight (8) attorneys, the nature of Scientology litigation was explained, fee relationships were discussed involving the traditional contingent fee and sharing of the fees between attorneys based upon the amount of work done on each case. Other peripheral issues set forth above in the settlement analysis were discussed. This meeting was infiltrated by Hubbard, through an employee of the G.O., Ford Schwartz, posing as a client. The G.O., therefore, was aware of the nature of the meeting, the matters discussed, and the fee relationships that existed between the clients and attorneys.
38. Between May, 1981 and July, 1981, Kevin Flynn, who had ceased being an employee of the plaintiff in mid 1980 and who had commenced working as an independent contractor, submitted a proposal to plaintiff and his colleagues whereby Kevin Flynn's corporation, Flynn Associates Management Corporation, ~~would perform~~ services on behalf of the various attorneys as a researcher and investigator in consideration of receiving a percentage of the funds recovered in the cases. After research by the plaintiff and his colleagues, said proposal was rejected although ethical opinions of several states indicated that such a proposal was not improper. Said proposal was stolen

from the offices of the plaintiff and/or the trash dumpster in plaintiff's private office compound and used as the basis of a 5th complaint against plaintiff filed with the Massachusetts Board of Bar Overseers. See paragraph # 45, infra.

39. During the summer of 1981, as a result of the on-going theft of documents from the plaintiff's office and compound, much of which constituted attorney-client communication and/or work product, Hubbard and the G.O. knew that plaintiff and counsel from various other states were considering the commencement of various actions in New York, Washington, and Los Angeles. It also knew that Flynn Associates Management Corporation played no role in connection with said suits, that the May meeting among counsel was ethically proper, and that the plaintiff was still seeking to resolve the cases without litigation.

40. Between April and June, 1981, the City of Clearwater, Florida, hired plaintiff to prepare a report relative to the Church of Scientology and the tax exempt reports of organizations such as the Church of Scientology. Defendant knew of this through the documents stolen from plaintiff's trash or offices.

41. With the knowledge as above described in paragraphs #38 and #39, in June, 1981, Jay Roth, an attorney hired by Hubbard through the G.O. again initiated settlement discussions and offered plaintiff \$1.6 million dollars to resolve all existing and impending litigation, which plaintiff accepted on behalf of the various clients involved in a good faith effort to resolve the entire matter. The plaintiff's motivation in accepting said settlement offer involved numerous considerations including a) the desire of clients and counsel to end the torrent of legal and personal harassment, b) the expense and time consumption inherent in the litigation for all parties, c) the promised efforts of the G.O. to reform and discontinue many of its unlawful practices, and d) the financial remuneration of clients and counsel. At this point in connection with the litigation, plaintiff had personally expended in excess of \$200,000.

42. Immediately after plaintiff's acceptance of the said offer, however, Hubbard and the G.O. conducted a national media campaign accusing the plaintiff of crimes and intentionally defaming plaintiff through the distribution of press releases. These press releases falsely accused the plaintiff of "extortion" in connection with the second set of settlement conferences

that plaintiff and the Church of Scientology had undertaken, of illegally selling shares in Flynn Associates Management Corporation, and a variety of other false and libelous statements designed to injure the plaintiff's reputation in Clearwater.

43. In the summer of 1981, when all of the aforestated matters were occurring, Hubbard replaced some of his agents in the G.O. with several young members of the "Commodore's Messenger Org" who had served personally for Hubbard throughout their teenage years who were then approximately 21 or 22 years of age, and were said to be fanatical adherents to Hubbard, including David Miscavige. Hubbard placed said individuals in command of the G.O. because he believed that plaintiff had not been harassed intensely enough and Hubbard intended to increase the level of "attack" and harassment of plaintiff. Said individuals, on orders of Hubbard, adopted a plan in the summer of 1981, to broaden "Operation Juggernaut" and to conduct an all-out campaign against the plaintiff pursuant to the Fair Game Doctrine, to destroy the plaintiff and all opposition to Hubbard.

The foregoing involved a highly secretive written plan adopted by Hubbard, Miscavige, Starkey, and others to attack the plaintiff on all "fronts". Pursuant to said plan, Miscavige and Starkey, as agents of Hubbard, convened a meeting of lawyers in Atlanta, Georgia, for the purpose of initiating Bar complaints, lawsuits, depositions, motions for disqualification, contempt motions in order to harass plaintiff by use of the judicial system. The meeting took place in July, 1981, and it was attended by Attorneys Harvey Silvergate, Jay Roth, Steven Burris, Donald Randolph, Sherman Lenske, Dan Warren and others. Hubbard's plan also ordered an increase in the "black PR" campaign to destroy plaintiff's reputation, plans to "frame" plaintiff with the commission of crimes and the continued infiltration and theft of client materials and an all out effort to destroy plaintiff's law practice and career.

44. Pursuant to said plan, the Scientology organization then embarked on a campaign beginning in August, 1981 and continuing up to the present date to "attack", "sue", and "destroy" the plaintiff. This campaign has included the remaining events described herein.

45. In August, 1981, the Scientology organization, through its counsel, Harvey Silvergate, filed yet another Bar complaint, the 5th against the plaintiff and his colleagues attaching many of the documents that had been stolen from the plaintiff's office and compound. The thrust of this complaint was that the plaintiff was unlawfully selling shares of Flynn Associates Management Corporation to finance prospective lawsuits against Scientology. Although the G.O. and Hubbard knew that this allegation was false, the G.O. wove together the settlement analysis prepared in January, 1981, the materials assembled for the May conference, and the proposal of Kevin Flynn, then attempted to create a false and deceptive impression with the Board of Bar Overseers and subsequently in the courts. Hubbard and the G.O. knew at the time of said Bar complaint that the allegations of its counsel, Harvey Silvergate, were false because it had agents who had attended the May ~~conference~~, it had stolen the settlement analysis at the time it was prepared in January 1981, and it had stolen the Kevin Flynn proposal when it had been prepared and rejected in June, 1981.

46. In addition to the aforesaid Bar complaint, the G.O. and its counsel then proceeded to file an additional three (3) Bar complaints against plaintiff and his colleagues,

including, inter alia, the allegation that the plaintiff improperly attempted to avoid service of process by one of the many process servers in connection with suits and depositions that the G.O. was attempting to initiate against plaintiff's office. These Bar complaints were filed throughout the period from August to December, 1981.

47. In August, 1981, the G.O. commenced an action in the Los Angeles Federal District Court through one of its members, Steven Miller, against the plaintiff, his brother Kevin Flynn, John Clark, M.D., and several others on the theory that the plaintiff had forcibly, "deprogrammed" Miller and violated his civil rights. See Steven Miller v. Michael Flynn et al., Civ. #81-4275 (C.D. Calif., 1981). At the time of the filing of the suit, the plaintiff had never even heard of Steven Miller and had never had any contact with him ~~before~~.
48. In August, 1981, defendant Hubbard commenced an action in the Boston Federal District Court through members of the G.O., Ellen and Chris Garrison, on the same theory of "deprogramming". This suit was brought against Kevin Flynn and Paulette Cooper, a client of plaintiff, after

specific planning and meetings held by the G.O. See Garrison v. Flynn et al., Civil #81-2608T (D. Mass., 1981).

49. During the same period of time, and in the ensuing months, Hubbard, through members of the G.O., filed motions to disqualify the plaintiff in the cases of Garrity, et al. v. The Church of Scientology, Los Angeles Federal District Court, Burden v. Church of Scientology, Federal District Court in Tampa, and in the Boston Van Schaick case. These motions for disqualification were all part of the plan to personally and legally harass the plaintiff.
50. Between August, 1981, and December, 1981 Hubbard, through the G.O., literally swamped the court dockets in every case that it was involved in including both those cases it had initiated and those that had been brought by claimants, with hundreds of pleadings, motions, discovery requests, etc.
51. The purposes of all the aforesaid suits bar complaints and pleadings was to harass and economically destroy plaintiff, his reputation, and his law practice.

52. The office of the plaintiff utilized a long distance telephone code which the G.O. intercepted. Thereafter, the G.O. charged in excess of \$1,000 in telephone calls to said code. In a similar "operation", the G.O. intercepted the code of a California Corporation and made telephone calls to plaintiff's clients charging the calls to the California Corporation's codes, thereby attempting to "frame" the plaintiff.
53. On or about the Spring of 1982, after the plaintiff and his office spent in excess of one hundred (100) hours defending the Motions to Disqualify filed in the foresaid Garrity, Van Schaick and Burden cases, the G.O. withdrew said Motions and undertook a new round of lawsuits against his office. Hubbard and the G.O. commenced an abuse of process action in the Los Angeles Federal District Court in connection with the Garrity, et al case and also brought another civil rights action against the plaintiff and the City of Clearwater in the Tampa Federal District Court. See Church of Scientology of California Inc., v. Flynn et al., Civ.# CV-83-896-CBM (C.D. Calif., 1983) and Flag Service Org., Inc. v. Flynn et al., Civ. #82-440-Civ.-T-WC (Tampa Federal District Court, 1982) After the Los Angeles Federal District Court dismissed the abuse of process action, the G.O.

filed a second suit on the same ground. Both suits have been dismissed. Both suits were filed with the malicious motive as described in #48.

54. Hubbard and the G.O. timed the commencement of the abuse of process action in the Los Angeles Federal District Court to coincide with certain hearings being conducted by the City of Clearwater involving Hubbard and the Church of Scientology in which hearings plaintiff's office was involved. In connection with the aforesaid hearings, the Scientology organization adopted a specific operation to harass the plaintiff as follows:

(a) Hubbard and the G.O. issued a press release in the national media accusing plaintiff of "extortion," handed out press releases in the City of Clearwater prior to the hearings, and conducted press conferences in which G.O. agents and their attorney, John Peterson, accused the plaintiff of extortion and abuse of process. In making such allegations, the G.O. and Peterson revealed information relative to the June, 1981 settlement discussions which the G.O. had insisted and promised would remain confidential.

(b) In the second week in March, 1982, the Clearwater hearings were scheduled to begin on April 21, 1982. On March 25th, counsel for the G.O. in the case of Cazares v. Church of Scientology of California, Inc., Civil #81-3472-CA-01 (Volusia County Circuit Ct., Fla., 1981), Circuit Court in Daytona, Florida, sent a letter to the plaintiff scheduling his deposition for April 23, 1982, in Tampa during the middle of the hearings. Although the hearings were subsequently continued until May 5, 1982, while appearing in the Burden case in Tampa, the plaintiff was served with a deposition subpoena. Plaintiff filed a Verified Motion to Quash the Subpoena stating that the demands of his law practice prevented him from remaining in Florida throughout the "time" required for the deposition, to wit, "2:00 P.M. on Friday, April 23, to continue from day to day" over the week-end and the following Monday, as required by the deposition subpoena. The plaintiff sent a letter on two (2) occasions to the G.O. counsel indicating that he could not appear for the deposition, that he had no personal knowledge of the subject matter of the case in which the deposition was to be taken, but that he would be willing to schedule another date.

Subsequently, after the G.O. learned that the hearings would be continued to May 5, 1982, it issued a second subpoena, from the Los Angeles Federal Court in the case of Church of Scientology v. F.B.I. scheduling plaintiff's deposition on May 10, 1982 in Boston. This was intentionally scheduled again the middle of the hearings to harass plaintiff. The plaintiff had no personal knowledge of said case but Hubbard, through the G.O., sought to abuse the legal process by use of the scheduled depositions. The plaintiff again communicated to counsel in that case that he would be unable to appear on said date. Subsequently, during the middle of the Clearwater hearings, Hubbard, through the G.O., filed motions to hold the plaintiff in contempt in the Los Angeles Federal District Court and in the Daytona Circuit Court because of failure of the plaintiff to appear at the depositions. In connection with the Daytona contempt proceeding, plaintiff, under Florida law, was immune from service of process in Florida, and plaintiff's deposition had to be taken in Massachusetts. Notwithstanding the foregoing, Attorney Dan Warren, acting as an agent of Hubbard, through the G.O., specifically lied to the Court to procure a contempt order. Without a trial, without any witnesses being called at the contempt matter, and without

complying with Florida rules govering "indirect criminal contempts", Hubbard, through Warren, procured a contempt finding against plaintiff from the Court. The contempt matter was reported throughout the United States based on the press releases issued by Hubbard and the G.O. stating that plaintiff was held in criminal contempt. The contempt conviction was subsequently vacated and ~~dismissed~~ after appeal.

55. Between December 13, 1979 and the present date, pursuant to a written conspiratorial plan to intentionally destroy the plaintiff's reputation, Hubbard, through the G.O., and through several attorneys retained by the G.O., has systematically libeled and slandered the plaintiff on hundreds of occasions. Pursuant to Hubbard's policy to "manufacture" libelous evidence, to "originate a black PR campaign", and to use "covert third-partying", against his enemies", Hubbard's agents have, inter alia, defamed the plaintiff in the following manner:

- (a) On December 13, 1979, Hubbard's agents issued a "press release" in Boston stating that plaintiff was an "agent of the F.B.I." and "working" for an agency called "cointelpro",

and plaintiff was an "ambulancae chaser preying on religious dropouts", "unethical" and giving a "bad name to the legal profession".

(b) In April 1981, the G.O. as Hubbard's agent, wrote and published an article in which the libelous statements set forth below appear. This article was distributed throughout the United States, including the mailing of said article to Professors at Suffolk Law School where plaintiff enjoyed an excellent reputation, having graduated first in his class, Summa Cum Laude, and having served as Editor-In-Chief of the Suffolk University Law Review. The article was intended to injure plaintiff's reputation. Among the libelous statements are:

- I. Plaintiff is a "pariah amongst some Boston jurists";
- II. Plaintiff's "professional conduct" is being "criticized" by peers and causing "complaint to the Massachusetts Bar Association";

- III. Plaintiff has practiced in the field of medical malpractice "in pursuit of the ambulance";
- IV. Plaintiff was caught in a "blacklash" when suits against Boston doctors caused the medical profession to "fight malpractice attorneys who were driving up insurance premiums";
- V. Plaintiff was similar to the attorneys who lost work because of "no fault insurance" in the field of automobile litigation, and "Boston responded with a similar program to sidetrack the 'ambulance chasers'";
- VI. Malpractice awards generated by plaintiff caused the creation of a tribunal system which caused plaintiff's practice to "suffer," the dismissal of "case after case," immense profits lost, which "ended upon a divorce case with only \$8000 at issue" where plaintiff had to "shuffle mortgages to maintain his affluent Boston life-style";
- VII. By innuendo, plaintiff was a cause of "runaway inflation of insurance premiums";

- VIII. "While the nature and value of his cases changed drastically, Flynn's abrasive conduct did not.";
- XI. "Flynn tries to prejudice the judge by mostly contrived assertions.";
- X. Plaintiff pursued "clerical malpractice to compensate for lost income from medical malpractice"; ~~████████~~
- XI. "Flynn saw the new market and, like a riverboat gambler whose ship had sunk, he went ashore to ply his trade.";
- XII. "The suit suffered, he said, from Flynn's mistaken belief that he knew what he was doing.";
- XIII. "Meanwhile, less excessive attorneys have drawn Flynn's wrath. When one lawyer representing the Church of Scientology took a legitimate deposition of one of Flynn's clients, Flynn tried to get the attorney fired from his part-time position at a university. The attempt failed, leaving bitter feelings amongst Boston jurists. It caused one Boston barrister to remark, "We aren't going to get down in the gutter with him."

- XIV. "Flynn's behavior was the subject of a complaint filed with the General Counsel of the Massachusetts Bar Association. According to the inch-thick Complaint filed by the Church, Flynn and his associates had harassed Church members, deceived the Court, filed suits merely for publicity, and ~~obstructed~~ fact finding processes during litigation;
- XV. "At the same time, a Boston Court granted a church request that documents stolen from the Church be returned by Flynn. Some of the material was retained by the Court as part of the litigation brought against Flynn. The Church even had to go to Las Vegas to seek judicial relief when it was found Flynn was improperly soliciting funds and clients to beef up his publicity campaign."

- (c) In July - September 1981, Hubbard through the G.O. issued a series of press releases and distributed flyers on the streets of Clearwater, Florida including, inter alia, many of the libelous statements made in subparagraph (b) hereof:

- I. Plaintiff was involved in "illegal" financial dealings with the City of Clearwater.
- II. Plaintiff's reputation as a lawyer was in "pursuit of the ambulance."
- III. Plaintiff, by inference and innuendo, was responsible for the bad reputation given to the area of medical malpractice.
- IV. Plaintiff lost "case after case."

(d) On or about April or May 1982, Hubbard, through G.O. attorney John Peterson, issued a press release accusing plaintiff of the crime of extortion. Articles appeared in newspapers throughout the U.S., including the Clearwater Sun, and the St. Petersburg Times. At the time, plaintiff was serving as special counsel to the City of Clearwater, and he enjoyed an excellent reputation in the Clearwater community. The press releases and articles were timed to coincide with hearings in Clearwater and were timed to coincide with the \$3 million dollar abuse of process and "extortion" suit

frivolously brought by the G.O. in the Los Angeles Federal District Court. Said suit, its amended versions, and a similar second suit were all dismissed.

- (e) In August 1982, the G.O., acting under Hubbard's authority, disseminated press releases stating that plaintiff had been convicted of criminal contempt. Said criminal contempt was procured by Dan Warren, as an agent of the G.O., based on false statements which Warren knew were false at the time the statements were made.
- (f) In November, 1982, after the Los Angeles Federal District Court had dismissed the abuse of process action which had been brought the previous April, Hubbard, through G.O. attorneys Donald Randolph and Jay Roth brought an amended version of said suit. Again, G.O. attorney John Peterson issued a press release disseminated nationwide accusing plaintiff of the crime of extortion. Later, in February, 1983, when yet another version of the same suit was brought, another press release was issued,

accusing plaintiff of extortion. The lawsuits and the press releases were all predicated upon a settlement conference which defendant, through the G.O. and its attorneys, had insisted be confidential. All of the suits have been dismissed.

(g) In November, 1982, Attorney Harvey Silvergate appeared, as an agent of Hubbard, on the metropolitan Boston Television program "More." On that program, Silvergate by inference and innuendo, accused the plaintiff of lying about whether water in the fuel tanks of plaintiff's airplane had ever caused a loss of power. Silvergate stated that he had requested information from the plaintiff about the incident and that Silvergate had never received any such information. Silvergate further stated that the incident with the water in the fuel tank "never took place." Both of the statements of Silvergate were false and were designed to injure and damage plaintiff's reputation.

- (h) In an interview with Boston Globe Reporter Ben Bradlee, Attorney Silvergate acting as an agent of the G.O. on Hubbard's behalf, falsely stated that the reason many of the 20,000 documents stolen from the plaintiff's office appeared to be photocopies of originals from files was due to the fact that they were typed transcriptions of typewriter ribbons taken from the "trash." This statement was false when made and, by inference and innuendo, it accused plaintiff of lying about the fact that documents came directly from his office files.
- (i) On June 1 and 2, 1983, David Aden, Heber Jentz and other G.O. agents, all acting in the capacity as G.O. agents, under the direct authority of Hubbard made the following libelous and slanderous statements in the Boston Globe and on various radio talk shows:

I. "Flynn is a man who's given new definition to the word shyster. The man is unconscionable. We don't pay extortionists".

- II. Plaintiff had sent an "extortion letter" to the Church of Scientology.
- III. Plaintiff was an "ambulance chaser".
- IV. Plaintiff was a "criminal", and a "shyster", and an "extortionist".

56. Throughout the 4-year reign of terror perpetrated by Hubbard individually and through the G.O. as hereinbefore described, plaintiff has sought to obtain legal redress for his clients while suffering from continued sever emotional and mental distress. The tortious conduct of Hubbard has interfered with the plaintiff's representation of his clients and the prosecution of their cases. As a result of said tortious conduct, plaintiff has expended in excess of \$300,000 in connection with all of the litigation relating to the Church of Scientology. Plaintiff has suffered irrevocable damage to his reputation and to his career as an attorney.

VI. CAUSES OF ACTION

FIRST CAUSE OF ACTION - CONSPIRACY

57. Plaintiff restates and realleges paragraphs #1 through 56 of this Complaint.

58. Hubbard and his agents, including but not limited to the "Scientology" organizations set forth in paragraph #4, and individual agents such as Mary Sue Hubbard, David Miscavige, Joseph Lisa, Arthur Maren, James Mulligan, Kevin Tighe, and others, together with attorneys retained by Hubbard's agents including but not limited to Harvey Silverglate, Jay Roth, Steven Burris, Donald Randolph, Sanford Katz, Dan Warren, John Peterson and others, combined together to accomplish the unlawful purposes set forth herein, and used the unlawful means set forth herein. Hubbard's creation of the G.O. with its tortious policies, some of which are set forth in paragraph #11, together with the nationwide communications network which operated on a daily basis at all times material to this Complaint in order to accomplish Hubbard's unlawful purposes, gave Hubbard a peculiar power of coercion over the plaintiff, which a single person and in a similar relationship would not have had. The following overt acts were committed by Hubbard and his agents pursuant to the conspiratorial scheme, code named "Operation Juggernaut". These overt acts constitute unlawful purposes and unlawful means:

- (a) Infiltration of plaintiff's office by Ford Schwartz, Silvana Garritano, Bill Broderick and others for the purpose of stealing documents and

information, which documents and information were actually stolen by them, while posing as clients and employees of plaintiff.

- (b) Trespassing onto private property as above described for the purpose of stealing plaintiff's trash. G.O. agents, acting pursuant to Hubbard's policies and orders devised elaborate schemes to trespass onto the property at 12 Union Wharf during the early morning hours and carried electronic beepers for the purpose of avoiding detection.
- (c) Using highly confidential attorney-client communications and work-product stolen from plaintiff's trash and burglarized from his office, and stolen directly from his clients for the purposes as set forth supra.
- (d) Adopting a written plan to sue the plaintiff and his colleagues, clients and employees in jurisdictions throughout the U.S. for the sole purpose of harassing the plaintiff. These lawsuits were knowingly groundless when filed and include the following:

- I. Church of Scientology of Boston, Inc. v.
 Michael Flynn, Civil No. 40906. (Suffolk
 Sup. Ct. Mass., 1980)
- II. Church of Scientology of Nevada Inc., v.
 Thomas Hoffman, Kevin Flynn, et al, Civil
 No. LV-80-10-HEC (D. Nevada, 1980).
- III. Church of Scientology of Nevada Inc., v.
 Kevin Flynn and La Venda Van Schaick, Civil
 No. 196880, Nevada Circuit Court .
- IV. Church of Scientology of Nevada Inc., v.
 Michael Flynn, Civil No. 202573, Nevada
 Circuit Court .
- V. Steven Miller v. Michael Flynn, et al, Civil
 No. 81-4275 (C.D. Calif. 1981).
- VI. Cazares v. Church of Scientology, Civil No.
 81-3472-CA-01, Volusia County Circuit Court.,
- VII. Garrison v. Kevin Flynn, et al, Civil No.
 81-2608-T (D. Mass, 1981).
- VIII. Church of Scientology of California, Inc. v.
 Michael Flynn, Thomas Hoffman and Thomas
 Greene, Civil No. CV-83-896-CBM (C.D.
 Calif., 1983).
- IX. Church of Scientology v. Michael Flynn,
 Thomas Hoffman, Thomas Greene and Kevin
 Flynn, CV-81-3259-CBM; CV-81-3260-CBM (C.D.
 Calif., 1983);

- X. Flag Service Org. Inc. v. Michael Flynn and
the City of Clearwater, Civil No.
82-440-CIV-T-WC (Tampa, Fla., 1982).
- XI. Church of Scientology of California, Inc. v.
Michael Flynn, #83-2386-S (D. Mass. 1983).
- XII. Church of Scientology of California, Inc. v.
Michael Flynn, #CV-835202-R (C.D. Calif.,
1983).

- (e) Adopting a written plan to "get Michael Flynn disbarred" and then filing nine (9) separate, groundless, frivolous Complaints with the Board of Bar Overseers.
- (f) Threatening to poison plaintiff by sending him a postcard stating that Hubbard's agents were "inside" his operation and that he should have his food tested.
- (g) Placing water in the fuel tanks of plaintiff's airplane on or about October 19, 1979, nearly resulting in a fatal crash with 4 occupants in the airplane at the time, including plaintiff's son.
- (h) Calling plaintiff's home at all hours of the night to disturb plaintiff while he was sleeping.
- (i) Making obscene telephone calls to plaintiff's neighbors, suggesting that it was plaintiff.

- (j) Adopting a written plan to knowingly libel and slander the plaintiff in order to destroy his reputation.
- (k) Adopting a written plan to knowingly and intentionally inflict emotional distress on the plaintiff by conducting all of the activities set forth in this Complaint.
- (l) Attempting to "frame" plaintiff of the crime of interstate theft of telephone codes.
- (m) Stealing plaintiff's telephone codes and charging calls to his code.
- (n) Threatening plaintiff's life on the telephone.
- (o) Sending a bomb threat to plaintiff's building.
- (p) Putting dirt in the fuel tank of plaintiff's car.

57. As a result of the foregoing conspiracy, plaintiff has been damaged in the amount of Ten Million Dollars.

WHEREFORE, plaintiff demands damages from defendant in the amount of Ten Million Dollars.

SECOND CAUSE OF ACTION - MALICIOUS ABUSE OF PROCESS

60. Plaintiff restates and realleges each and every one of the allegations set forth in paragraphs #1 through 59 of this Complaint.

61. Each and every one of the lawsuits and the criminal contempt action set forth in paragraph 58(d) was brought with the malicious purpose of harassing and destroying the plaintiff pursuant to the written policies of Hubbard set forth in paragraph #11 hereof. Said lawsuits were not brought for the purpose of securing legitimate legal rights or privileges.
62. Hubbard and his agents conspired in writing to perpetrate "Operation Juggernaut," the purpose of which was to unlawfully use legal process to intimidate, threaten, harass and destroy "plaintiff."
63. Plaintiff has been damaged by defendant with respect to this Cause of Action in the amount of Ten Million Dollars.

WHEREFORE, plaintiff demands damages from defendant in the amount of Ten Million Dollars

THIRD CAUSE OF ACTION - MALICIOUS PROSECUTION

64. Plaintiff restates and realleges each and every one of the allegations set forth in paragraphs #1 through 63 hereof.

65. The following lawsuits and legal actions brought against the plaintiff and his agents and employees to date have been legally and fully terminated in favor of plaintiff. Said suits were brought by Hubbard through his agents without probable cause:

I. Church of Scientology of Nevada, Inc. v. Thomas Hoffman, Kevin Flynn, et al., Civil No. LV-80-10-HEC (D. Nevada, 1980).

II. Church of Scientology of Nevada, Inc. v. Kevin Flynn and LaVenda Van Schaick, Civil No. 196880 Nevada Circuit Court.

III. Church of Scientology of Nevada, Inc. v. Michael Flynn, Civil No. 202573 Nevada Circuit Court.

IV. Cazares v. Church of Scientology of California, Inc., Civil No. 81-3472-CA-01, Volusia County Circuit Court, Fla., 1981).

V. Church of Scientology of California, Inc. v. Michael Flynn, Thomas Hoffman, Thomas Greene and Kevin Flynn, Civil No. CV-83-896-CBM (C.D. Calif. 1983).

VI. Church of Scientology of California, Inc. v.

Michael Flynn, Thomas Hoffman, Thomas Greene and
Kevin Flynn, CV-81-3259-CMB; CV-81-3260-CMB;
CV-81-3261-CBM; and CV-81-4109-CBM (C.D. Calif.
1981).

66. The foregoing lawsuits were brought for the malicious
purpose of harassing the plaintiff pursuant to the
unlawful conspiracy set forth in paragraph #58 hereof:

67. Plaintiff has been damaged by defendant on this Cause of
Action in the amount of Ten Million Dollars.

WHEREFORE, plaintiff demands damages from defendant in the
amount of Ten Million Dollars.

FOURTH CAUSE OF ACTION - INTENTIONAL INFILCTION
OF EMOTIONAL DISTRESS

68. Plaintiff restates and realleges each and every
allegation set forth in paragraphs 1 through 67 hereof.

69. All of the acts, conduct, plans, schemes and policies of Hubbard set forth in this Complaint were done for the purpose of "destroying" the plaintiff pursuant to the Fair Game Doctrine. Such a policy and the acts perpetrated pursuant thereto were intended to inflict emotional and mental distress on the plaintiff. Such acts, schemes, and policies, constitute extreme and outrageous conduct, intentionally perpetrated to inflict emotional distress on the plaintiff. Such conduct was "extreme and outrageous," beyond all bounds of decency and utterly intolerable in a civilized community. Hubbard's extreme and outrageous conduct was the cause of plaintiff's severe emotional distress, which distress was of such a nature that no reasonable man could be expected to endure it.

70. Plaintiff has been damaged by defendant on this cause of action in the amount of Ten Million Dollars.

WHEREFORE, plaintiff demands damages from defendant in the amount of Ten Million Dollars.

FIFTH CAUSE OF ACTION - TRESPASS

71. Plaintiff restates and realleges paragraphs #1 through 70.

72. Hubbard, through his agents, trespassed onto private property, which property was owned, controlled, and legally possessed by the plaintiff, for the unlawful purpose of stealing records, documents and information. Said private property was guarded, posted with no-trespassing signs, and protected by fencing and other protective obstacles. ~~Notwithstanding all of the above,~~ G.O. agents acting pursuant to the policies and orders of Hubbard, pursuant to a written scheme, trespassed onto plaintiff's premises at 12 Union Wharf, Boston, in the early morning hours, and used an electronic beeper system to avoid detection for the purpose of stealing plaintiff's trash and burglarizing his office.
73. Hubbard, though his agents, stole in excess of 20,000 documents and used said documents and information for the purposes set forth in this Complaint.
74. Plaintiff has been damaged by defendant, on this cause of action in the amount of Ten Million Dollars.

WHEREFORE, plaintiff demands damages from defendant in the amount of Ten Million Dollars.

SIXTH CAUSE OF ACTION - CONVERSION

75. Plaintiff restates and realleges paragraphs #1 through 74 hereof.
76. Hubbard, through his agents, stole and converted to his own use for the purposes set forth herein, documents and information stolen from the plaintiff's trash and directly from his office. Hubbard has failed to return said materials stolen, notwithstanding plaintiff's demand. Hubbard and his agents exercised domain over plaintiff's property inconsistent with plaintiff's rights.
77. Plaintiff has been damaged by defendant on this cause of action in the amount of Ten Million Dollars.

WHEREFORE, plaintiff demands damages from defendant in the amount of Ten Million Dollars.

SEVENTH CAUSE OF ACTION - INTERFERENCE WITH
CONTRACTUAL RIGHTS

78. Plaintiff restates and realleges paragraphs #1 through 77 hereof.

79. Plaintiff had a written contract with Sylvana Garritano to represent her in connection with a lawful claim against Hubbard and his agents.

80. Hubbard and his agents knew of the contract and induced Sylvana Garritano to break it by engaging in a series of acts designed to convince Garritano that plaintiff was harassing her as set forth below:

- a. Hubbard's agents followed Garritano in a car similar to the car of plaintiff's brother, and then had a second agent inform her that she was being followed.
- b. Hubbard's agents provided Garritano with false information about plaintiff for the purpose of inducing her to break the contract.
- c. Hubbard's agents brought Garritano to another attorney, paid the attorney's legal fees, and then issued false press releases that plaintiff had threatened Garritano unless she lied under oath.

81. Hubbard's agents routinely used records stolen from plaintiff's office to obtain the names and addresses of prospective clients who had contacted plaintiff's office. Hubbard's agents then contacted said prospective clients for the purpose of preventing them from retaining plaintiff.

82. Plaintiff has been damaged by defendant on this cause of action in the amount of Ten Million Dollars.

WHEREFORE, plaintiff demands damages from defendant in the amount of Ten Million Dollars.

EIGHTH CAUSE OF ACTION - INVASION OF PRIVACY

83. Plaintiff restates and realleges paragraphs #1 through 82 hereof.

84. Plaintiff further states that he has a right of privacy in all of the documents and information stolen by Hubbard, and his agents, from plaintiff's offices. Plaintiff's right of privacy is protected by M.G.L. ch. 214 Sec. 1(b).

85. Hubbard and his agents have violated plaintiff's right of privacy as set forth herein by using the documents and information as set forth in paragraphs #12 through 58 hereof.

86. Plaintiff has been damaged by defendant, on this cause of action in the amount of Ten Million Dollars.

WHEREFORE, plaintiff demands damages from defendant in the amount of Ten Million Dollars.

NINTH CAUSE OF ACTION - UNFAIR OR DECEPTIVE ACTS
IN VIOLATION OF M.G.L. Ch. 93A

87. Plaintiff restates and realleges paragraphs #1 through 86.
88. The parties are engaged in trade or business within the meaning of Mass. G.L.C. 93A.
89. The acts or practices of Hubbard and his agents as described herein were unfair and deceptive within the meaning of Ch. 93A and were committed willfully and knowingly.
90. Plaintiff has been damaged by defendant in the amount of Ten Million Dollars.

WHEREFORE, plaintiff demands treble damages in the amount of Thirty Million Dollars on this count, together with attorney's fees, interest and costs.

TENTH CAUSE OF ACTION - ASSAULT AND BATTERY

91. Plaintiff restates and realleges paragraphs #1-90.
92. The airplane incident described in paragraphs # 18 and 19 was intended and in fact did place plaintiff in immediate apprehension of bodily harm and in fact did injure him.
93. Plaintiff has been damaged by defendant in the amount of one million dollars on this count.

WHEREFORE, plaintiff demands damages from defendant in the amount of One Million Dollars.

ELEVENTH CAUSE OF ACTION -
VIOLATIONS OF THE RACKETEER INFLUENCED AND
CORRUPT ORGANIZATIONS ACT - 18 U.S.C. 1961 - 1968

94. Plaintiff realleges paragraphs #1 through 93 and further alleges:

95. This cause of action is brought under 18 U.S.C. sec. 1964 (c), which statute provides for treble damages for any person injured by reason of violation of 18 U.S.C. sec. 1962.
96. It is unlawful under 18 U.S.C. sec. 1962 for any person "employed by or associated with any enterprise engaged in, or the activities of which effect, interstate or foreign commerce, to conduct or participate, directly or indirectly, in the conduct of such enterprises' affairs through a pattern of racketeering activity..."
97. Defendant L. Ron Hubbard is an individual associated with Scientology organizations who has directly and indirectly conducted the affairs of said enterprises through a pattern of racketeering activity.
98. "Racketeering activity" is defined in 18 U.S.C. sec. 1961, as any two acts, within the past years of extortion chargeable under state law, or of mail fraud (18 U.S.C. s. 1341), or wire fraud (18 U.S.C. s. 1343), or obstruction of justice (18 U.S.C. s. 1503), or obstruction of cirminal investigation (18 U.S.C. s. 1510), or racketeering (18 U.S.C. s. 1952). The defendant has within the last ten (10) years committed

multiple offenses of each type of crime listed above, in a manner described hereinafter.

99. The Church of Scientology was created in the 1950's by L. Ron Hubbard and his followers. It has at all times and presently exists, as one fully integrated, tightly organized enterprise, although Hubbard and his followers have attempted to mask this fact by creating a network of different corporations in many states. The Church of Scientology has at all times operated as a commercial, profit-making enterprise. Its commercial success has at all times depended largely on a skillful and deliberate pattern of fraud.
100. In the early 1960's, many of the fraudulent practices of the Church of Scientology became the subject of public criticism. Hubbard and his followers realized that the continued success of the enterprise depended entirely on widespread public ignorance concerning the actual motive of Scientology. Accordingly, they devised a plan to silence critics of Scientology and suppress all public discussion of governmental investigation of Scientology.
101. In the mid 1960's, Hubbard and his followers created the Guardian's Office. The Guardian's Office has since that

time become an integral part of every Scientology organization in the United States. All of the activities and affairs of the Guardian's Office are top secret within Scientology. Individuals controlling the local organization of Scientology, such as the Church of Scientology of Boston, Inc. also control the Guardian's Office and respond directly to the Hubbards. The actual offices used by the Guardian's Office are kept locked at all times, and non-Guardians are never permitted to enter without permission.

102. From its inception, Hubbard authorized the Guardian's Office to silence critics of Scientology and thwart investigations of Scientology by means of criminal and tortious acts. For many years the Guardian's Office has engaged in criminal activity against private citizens and government agencies who have dared to criticize or investigate Scientology. All of these activities were carried out while the Church of Scientology held itself out to the public as being a legitimate, law-abiding, nonprofit institution.

103. As a part of this overall scheme to thwart criticism or investigation of the Church of Scientology, Hubbard, his

followers, and the Guardian's Office at Hubbard's direction have committed acts of kidnapping and obstruction of justice against the United States Government and/or its witnesses before a Grand Jury. These acts are described in detail in the Stipulation of Evidence in the case of United States v. Mary Sue Hubbard, United States District Court for the District of Columbia, No. 78-401. Said acts meet the definition of "racketeering activity" as defined in 18 U.S.C. sec. 1961.

104. Hubbard, his followers, agents, servants and employees at the Guardian's Office, in the Church of Scientology have engaged in "racketeering", as defined by 18 U.S.C. s. 1952 by traveling interstate and utilizing interstate communications facilities as part of a scheme to commit extortion against the plaintiff as described hereinafter. Said acts of extortion meet the definition of "racketeering activity" as defined in 18 U.S.C. 1961.

105. Hubbard, his followers, and his agents, servants and employees at the Guardian's Office decided to silence the plaintiff by means of extortion. Guardian's Office agents in Boston traveled to Los Angeles to receive orders. Other orders were sent to Boston via interstate

wire communications. Their orders authorized a series of activities as described supra in paragraphs #5-56, designed to inhibit plaintiff from practicing law so long as he continued to represent individuals aggrieved by him and his agents, servants and employees at the Guradian's office and the Church of Scientology.

106. This activity was intended to extort the plaintiff's silence and was illegal under the Massachusetts G. L. Ch. 265, Sec. 25.

107. All of the acts described in paragraphs #97-106 are predicate acts of "racketeering activity" as defined in 18 U.S.C. s. 1961.

108. This scheme to extort the plaintiff's silence was carried out by a complex conspiracy of many persons, some of whom had no idea of the part their own acts played in the overall scheme. The scheme was facilitated and made possible by the complex interstate organization and interstate communications network of the Church of Scientology. The Church of Scientology is by written policy, formally committed to the use of criminal extortion to silence its critics. These policies are written by Hubbard and regarded as law by

loyal Scientologists. Hubbard's personal predilection for the use of criminal means pervades the entire organization of Scientology, which adopts, publishes, and enforces as official policies, these criminal methods.

109. All of these activities described in paragraphs #94-108 above, constitute conduct of a person associated with the Church of Scientology undertaken to further the enterprise's affairs through a pattern of Racketeering activity as proscribed by 18 U.S.C. sec. 1962(c).

110. As a result of the foregoing activities the plaintiff was injured in his business in the following manner:

- i) as a result of the pattern of racketeering activities, the plaintiff has suffered severe emotional distress which has disabled him from practicing law as effectively as he might otherwise have.
- ii) As a further result of the pattern of racketeering activities, the plaintiff was forced to spend large amounts of time and resources defending frivolous lawsuits and filed against him at the direction of Hubbard, hereby preventing him from furthering his career.

WHEREFORE, the plaintiff demands treble damages from defendant in the amount of Thirty Million (\$30,000,000) Dollars, plus attorneys' fees.

By his attorneys,

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Dated: September 7, 1983